

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BLUE HEN HOTEL, LLC,

Plaintiff,

V.

CHARLES P. ARENA,

Defendant.

CIVIL ACTION 05-00221 (SLR)

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the Court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2, or will do so by **March 27, 2006**.

2. Discovery.

(a) Discovery will be needed on the following subjects: Facts relating the interaction of the parties and other contractors and sub-contractors during the Blue Hen Hotel construction project, and contentions of the parties as to liability and damages.

(b) All discovery shall be commenced in time to be completed by **September 29, 2006**.

(c) Maximum of **thirty (30)** interrogatories by each party to any other party.

(d) Maximum of **twenty-five (25)** requests for admission by each party to any other party.

(e) Maximum of **ten (10)** depositions by plaintiff and **ten (10)** depositions by defendants.

(f) Each deposition is limited to a maximum of 6 hours unless extended by agreement of the parties.

(g) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due by **October 30, 2006**;

(h) **Discovery Disputes.** Any discovery disputes shall be submitted to the court pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. During the course of discovery, each party is limited to two (2) Rule 37 motions. The Court will make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of Parties and Amendment of the Pleadings.** All motions to join other parties or amend the pleadings shall be filed on or before **August 30, 2006**.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring the possibility of a settlement.

5. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before **November 30, 2006**. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motions may be filed more than ten (10) days from the above date without leave of the Court.

6. **Applications by Motion.** Any applications to the Court shall be by written motion filed with the Clerk. Unless otherwise requested by the Court, counsel shall not deliver

copies of papers or correspondence to chambers. Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.

7. **Motions in Limine.** All motions in limine shall be filed on or before _____. All responses to said motions shall be filed within 5 business days after said motions.

9. **Pretrial Conference.** A Pretrial Conference will be held on _____, 2006 at _____ in courtroom 6B, sixth floor of the Federal Building, 844 N. King Street, Wilmington, Delaware. The Federal Rules of civil Procedure and D. Del. L. R. 16.4 shall govern the pretrial conference.

9. **Trial.** this matter is scheduled for a _____ day jury trial commencing on _____, 2006, in courtroom 6B. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

March 22, 2006

Date

Honorable Sue L. Robinson